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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/062,700

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Richard C. Lau

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9941 7590 09/26/2006

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EXAMINER

BAYARD, DJENANE M

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/062,700	Applicant(s) LAU ET AL.	
	Examiner Djenane M. Bayard	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.  
2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10, 13-22, 25-26 is/are rejected.  
7) ☒ Claim(s) 11, 12, 23 and 24 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is in response to amendment filed on 6/20/06 in which claims 1-26 are pending.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10, 13-22, 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 6,859,452 to Crooks.

- a. As per claims 1, 13, 25 and 26, Crooks teaches a configuration mapping in an ATM-Based wide area network. Furthermore, Crooks teaches a method to determine a physical connectivity configuration of at least a portion of a network when the physical connectivity configuration is unknown, the method comprising: receiving status information, without using prior knowledge of port interconnections, relating to nodes in the portion of the network whose

Art Unit: 2141

unknown physical connectivity configuration is to be determined (See col.4, lines 40-67 and col. 5, lines 1-10, *the template presented is the repository of information that is gathered and identified in the course of the topology discovery process*); determining, for the nodes, respective labels that indicate one or more virtual connections traversing the nodes based on the status information (See col. 3, lines 33-54) identifying at least one link between a subset of the nodes based on the respective labels and determining the physical connectivity configuration of the portion of the network based on the at least one link (See col. 5, lines 15-32, *TDU examines each of the ATM interfaces and retrieves and stores the IP address, the subnet mask, the city, the state and the VPI/VCI for each ATM interface, thereby creating a list of physical and logical information representing the ATM interface end points*).

b. As per claims 2 and 14, Crooks teaches the claimed invention as described above.

Furthermore, Crooks teaches wherein receiving status information comprises: receiving management information base parameters from the nodes (See Col. 5, lines 56-58).

c. As per claims 3 and 15, Crooks teaches the claimed invention as described above.

Furthermore, Crooks teaches wherein receiving the management information base parameters comprises receiving a virtual path identifier for each of the one or more virtual connections (See col. 5, lines 16-32).

d. As per claims 4, 8, 16 and 20, Crooks teaches the claimed invention as described above.

Furthermore, Crooks teaches wherein receiving the management information base parameters

Art Unit: 2141

comprises receiving virtual channel identifier information for each of the one or more virtual connections (See col. 5, lines 27-32).

e. As per claims 5 and 17, Crooks teaches the claimed invention as described above.

Furthermore, Crooks teaches wherein determining respective labels that indicate one or more virtual connections traversing the nodes comprises determining one or more identifiers for each of the one or more virtual connections (See col. 4, lines 40-55).

f. As per claims 6 and 18, Crooks teaches the claimed invention as described above.

Furthermore, Crooks teaches wherein identifying at least one link between a subset of the nodes comprises determining the subset of nodes having the same one or more identifiers (See col. 3, lines 46-54).

g. As per claims 7 and 19, Crooks teaches the claimed invention as described above.

Furthermore, Crooks teaches wherein determining one or more identifiers comprises determining a virtual path identifier for each of the one or more virtual connections (See col. 3, lines 46-54).

h. As per claims 9 and 21, Crooks teaches the claimed invention as described above.

Furthermore, Crooks teaches determining respective labels that indicate one or more virtual connections traversing the nodes comprises: determining a number of the virtual connections traversing the nodes; and determining respective cardinalities of the nodes based on the number of the virtual connections (See page 5, lines 15-26).

Art Unit: 2141

- i. As per claims 10 and 22, Foster et al teaches the claimed invention as described above. Foster et al fails to teach wherein determining at least one link between the subset of the nodes comprises determining the subset of nodes having the same cardinality.

*Allowable Subject Matter*

5. Claim 11 –12 and 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2141

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER